

Douglas A. Ducey
Governor



Arizona State Board of Massage Therapy

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Open Session Minutes Meeting of the Arizona State Board of Massage Therapy

Monday, October 31, 2022
Held via videoconferencing

Board Members

Angela M. Reiter, LMT, BC – Chair
Myriah Mhoon – Vice-Chair
Bailey S. DeRoest
Michael K. Tapscott, LMT
Vacant, Public Member

I. CALL TO ORDER

Chairwoman Reiter called the Board's meeting to order at 9:00 a.m.

II. ROLL CALL

The following Board members participated in the virtual meeting: Chairwoman Reiter, Vice-Chair Mhoon, Ms. DeRoest and Mr. Tapscott.

ALSO PRESENT

The following Board staff and Assistant Attorney(s) General participated in the virtual meeting: Executive Director Tom Aughterton, Investigator David Elson, Licensing Specialist Paul Schuldt and Licensing Administrator Tony Wilcox. Assistant Attorney General ("AAG") Seamus Monaghan participated in the virtual meeting.

III. CALL TO THE PUBLIC

None.

IV. DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503

None.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

A. Discussion and approval of the Massage Board Open Minutes from August 29, 2022 and Minutes for September 26, 2022.

MOTION: Chairwoman Reiter moved for the Board to approve the Massage Board Open Minutes from August 29, 2022 and September 26, 2022.

SECOND: Vice-Chairwoman Mhoon

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

VI. CHAIR'S REPORT

- A. Presentation by Dr. Dominique Roe-Sepowitz MSW, PhD, Associate Professor, School of Social Work, Arizona State University, Honors Faculty Advisor: Social Work Director, Office of Sex Trafficking Intervention Research (STIR) Clinical Director: Phoenix Starfish Place.

VII. ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

A. Formal Hearing(s)

Vacant.

B. Formal Interview(s)

Vacant.

C. Investigative Review(s) – Including possible acceptance of proposed Consent Agreements.

- (1) 22-252 Joshua Burns, LMT-16628

MOTION: Chairwoman Reiter moved for the Board to offer a Consent Agreement for Voluntary Surrender of Licensure. If not signed within 5 days, the Board shall proceed to Formal Interview in this matter based on the information presented to the Board and contained in the investigative report.

SECOND: Mr. Tapscott

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

- (2) 22-229 Juventino Tarazon, LMT-26887

Complainant VK participated in the virtual meeting during the Board's consideration of this matter.

MOTION: Chairwoman Reiter moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

The Board entered into Executive Session at 9:53 a.m.

The Board returned to Open Session at 10:05 a.m.

No legal action was taken by the Board during Executive Session.

MOTION: Chairwoman Reiter moved for the Board to summarily suspend the license based on the findings that the licensee poses an imminent threat to the public's health,

safety and welfare requiring emergency action by the Board based on the information presented to the Board and contained in the investigative report.

SECOND: Ms. DeRoest

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Chairwoman Reiter moved for the Board to offer the licensee a Consent Agreement for Voluntary Surrender of Licensure in lieu of Summary Suspension.

SECOND: Ms. DeRoest

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

D. License Application(s) Requiring Board Review

(1) 22-233 Joanna Iris

MOTION: Mr. Tapscott moved for the Board to deny the license application based on the applicant's failure to appear before the Board to discuss concerns relating to the applicant's reported criminal history.

MOTION: Chairwoman Reiter moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

The Board entered into Executive Session at 10:14 a.m.

The Board returned to Open Session at 10:25 a.m.

No legal action was taken by the Board during Executive Session.

MOTION: Mr. Tapscott moved for the Board to deny the license application based on the Board's inability to regulate this individual as they have indicated they do not recognize the Board's legal authority.

SECOND: Chairwoman Reiter

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

(2) 22-254 Jing Zheng

MOTION: Chairwoman Reiter moved for the Board to deny the license application based on A.R.S. § 32-4253(A)(2).

SECOND: Mr. Tapscott

VOTE: The following Board members voted in favor of the motion: Chairwoman Reiter, Vice-Chairwoman Mhoon, Ms. DeRoest and Mr. Tapscott.

VOTE: 4-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

VIII. BOARD INVESTIGATOR REPORT

- A. Board review, discussion and possible action on the monthly investigative activity report by State Board Investigator David Elson, detailing the current status of submitted administrative case investigations.
- B. Board review, discussion and possible action on DPS Level-One fingerprint clearance card regarding availability, application form and information on possible date for DPS website implementation.

IX. EXECUTIVE DIRECTOR'S REPORT

X. DISCUSSION AND POSSIBLE ACTION ITEMS FOR FUTURE MASSAGE BOARD AGENDAS

- DPS Level-One fingerprint clearance card and concerns relating to future applicants graduating after January 1, 2023.

The next Board meeting date:

Monday, November 28, 2022 at 9:00 a.m.; to be held via videoconference.

The Board recognized and stated their appreciation for Board staff for their hard work and efforts.

XI. ADJOURNMENT

The Board's meeting adjourned at 11:00 a.m.